



U.S. Department of Justice

United States Attorney
Eastern District of Missouri

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Federal Public Defender's Office
Office of the Federal Public Defender
1010 Market Street, Suite 200
St. Louis, MO 63101

Sent via USA File Exchange

RE: United States v. Michael Pruneau
Cause Number: 4:00 CR 539 RWS

Dear Counsel:

1. As you are aware, your client was indicted by the Federal Grand Jury. In order to assist you in the determination of any relevant pre-trial motions to be filed in this case, please be aware of the following information:

- Report 0859_025
- Report 0859_043
- Report 19-1704
- Report 0859_001
- Pruneau Pen Pack

2. DISCOVERY - The Government agrees that you may have free access to all relevant material within the purview of Rule 16, Federal Rules of Criminal Procedure by contacting the below signed. The discovery has been provided to you via USA File Transfer. If you are unable to access the materials, please contact me immediately.

If there is any discovery in compliance with federal law, no child pornography has been provided to you. If you wish to view the child pornography evidence or the forensic disks, which may contain additional reports, please contact me and we will arrange a mutually-agreeable time for you to examine the evidence in the United States Attorney's Office.

3. ELECTRONIC SURVEILLANCE - The Government did not utilize consensual audio and video surveillance in the investigation underlying the charges set forth in the indictment.

4. CONFIDENTIAL INFORMANTS - The Government did not utilize a confidential informant in the course of the investigation of this matter.

5. JENCKS MATERIAL - The Government will make all JENCKS material available no later than the Friday preceding trial, conditioned upon the defendant's agreement to make available statements of defendant's witnesses at the same time.

6. GRAND JURY TRANSCRIPTS - The Government agrees to produce all Grand Jury transcripts to the extent they constitute JENCKS material and make them available for inspection.

7. OTHER CRIMES EVIDENCE - The Government agrees to advise the defendant of its intention to use evidence of other crimes during its case-in-chief. The government agrees to make this disclosure prior to the trial of this cause.

8. STATEMENTS OF DEFENDANT - The Government does possess and intends to utilize verbal statements of the defendant. These statements are provided with the Rule 16 discovery.

9. IDENTIFICATION OF DEFENDANT - The Government is not aware of any post-arrest identification of the defendant.

10. PHYSICAL EVIDENCE - The Government does not possess items of physical evidence seized from the defendant or his property at the time of his arrest. Physical evidence maintained by law enforcement is available for inspection upon request at a mutually agreeable time and location.

11. FAVORABLE EVIDENCE - The Government agrees to furnish any and all favorable evidence to the defendant if and when its existence becomes known to the Government. At the present time, the Government does not have favorable evidence other than what may have been provided to you in discovery.

If you need any further specific information regarding the above matters, or any other matters which will prevent the filing and litigation of any unnecessary pretrial motions, please do not hesitate to call me.

In order to avoid the need of filing motions pursuant to Rules 16 and 26, the Government makes the following requests;

Pursuant to Rule 16(b)(1)(A), (B) and (C), Federal Rules of Criminal Procedure, the United States hereby requests that:

A. The defendant provide the United States, or permit the United States to inspect and copy or photograph books, papers, documents, photographs, tangible objects, or copies

thereof, which are within the possession, custody or control of the defendant and which the defendant intends to introduce as evidence in chief at trial.

B. The defendant provide the United States, or permit the United States to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to his testimony.

C. The defendant provide the United States a written summary of the testimony that the defendant intends to use under Rules 702, 703, or 705, Federal Rules of Evidence, as evidence in trial, which includes a description of the witnesses' opinions, the bases and reasons for

Further, pursuant to the provisions of Rule 26.2 the Government requests the defendant and his attorney to provide to the Government any statements of defense witnesses that are in their possession and that relate to the subject matter concerning which the witnesses have testified.

Pursuant to Rule 12.1, the Government requests that the defendant notify the government of any intended alibi defense; specifically, that the defendant was not present at the time, date and place of the offenses listed in the indictment.

Pursuant to Rule 613(a) of the Federal Rules of Evidence, the government requests that the defense disclose a witness's prior statement to the attorney for the government if the defense plans to examine the witness about the prior statement.

The Government requests a response prior to the hearing date on the motions to establish whether it needs to file its request for a court order to enforce compliance.

I thank you in advance for your anticipated cooperation.

Very truly yours,

JEFFREY B. JENSEN
United States Attorney

s/ Jillian S. Anderson
Assistant United States Attorney